



April 7, 2009

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## ENGROSSED HOUSE BILL No. 1326

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DIGEST OF HB 1326 (Updated April 6, 2009 10:59 am - DI 102)

**Citations Affected:** IC 3-10; IC 3-11.

**Synopsis:** Precinct election officers. Provides that any precinct election officer may ask a voter to show proof of identification.

**Effective:** July 1, 2009.

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**Smith M, Battles, Richardson**

(SENATE SPONSORS — LANDSKE, WALKER, BUCK, HERSHMAN,  
MRVAN)

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January 13, 2009, read first time and referred to Committee on Elections and Apportionment.

February 17, 2009, reported — Do Pass.

February 19, 2009, read second time, ordered engrossed. Engrossed.

February 25, 2009, read third time, passed. Yeas 97, nays 2.

SENATE ACTION

March 2, 2009, read first time and referred to Committee on Elections.

April 6, 2009, reported favorably — Do Pass.

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EH 1326—LS 6823/DI 75+



April 7, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

## ENGROSSED HOUSE BILL No. 1326

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006,  
2 SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2009]: Sec. 7.2. (a) Except as provided in subsection (e), a  
4 voter who desires to vote an official ballot at a primary election shall  
5 provide proof of identification.

6 (b) Except as provided in subsection (e), before the voter proceeds  
7 to vote in a primary election, a ~~member of the precinct election board~~  
8 **officer** shall ask the voter to provide proof of identification. The voter  
9 must produce the proof of identification before being permitted to sign  
10 the poll list.

11 (c) If:

12 (1) the voter is unable or declines to present the proof of  
13 identification; or

14 (2) a member of the precinct election board determines that the  
15 proof of identification presented by the voter does not qualify as  
16 proof of identification under IC 3-5-2-40.5;

17 a member of the precinct election board shall challenge the voter as

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prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in a primary election.

SECTION 2. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in the election, a ~~member of the precinct election board~~ **officer** shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides is not required to provide proof of identification before voting in an election.

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

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- 1 (2) Except as provided in subsection (k), the voter's current  
 2 residence address.
- 3 (g) The poll clerk, an assistant poll clerk, or a member of the  
 4 precinct election board shall:
- 5 (1) ask the voter to provide or update the voter's voter  
 6 identification number;
- 7 (2) tell the voter the number the voter may use as a voter  
 8 identification number; and
- 9 (3) explain to the voter that the voter is not required to provide or  
 10 update a voter identification number at the polls.
- 11 (h) The poll clerk, an assistant poll clerk, or a member of the  
 12 precinct election board shall ask the voter to provide proof of  
 13 identification.
- 14 (i) In case of doubt concerning a voter's identity, the precinct  
 15 election board shall compare the voter's signature with the signature on  
 16 the affidavit of registration or any certified copy of the signature  
 17 provided under IC 3-7-29. If the board determines that the voter's  
 18 signature is authentic, the voter may then vote. If either poll clerk  
 19 doubts the voter's identity following comparison of the signatures, the  
 20 poll clerk shall challenge the voter in the manner prescribed by section  
 21 21 of this chapter.
- 22 (j) If, in a precinct governed by subsection (g):
- 23 (1) the poll clerk does not execute a challenger's affidavit; or
- 24 (2) the voter executes a challenged voter's affidavit under section  
 25 22.1 of this chapter or executed the affidavit before signing the  
 26 poll list;
- 27 the voter may then vote.
- 28 (k) Each line on a poll list sheet provided to take a voter's current  
 29 address must include a box under the heading "Address Unchanged"  
 30 so that a voter whose residence address shown on the poll list is the  
 31 voter's current residence address may check the box instead of writing  
 32 the voter's current residence address on the poll list.

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## COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1326, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

BATTLES, Chair

Committee Vote: yeas 11, nays 0.

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COMMITTEE REPORT

Madam President: The Senate Committee on Elections, to which was referred House Bill No. 1326, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1326 as printed February 17, 2009.)

LANDSKE, Chairperson

Committee Vote: Yeas 7, Nays 2.

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